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11 CROSS LINK, INC., dba
12 WESTAR MARINE SERVICES
13

FILED

JUL 30 2006

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12
13 IN ADMIRALTY

14 In the Matter of the Complaint of) Case No.: C-05-2687 MJJ
15)
16 CROSS LINK, INC., dba WESTAR MARINE) **STIPULATION AND REQUEST TO**
17 SERVICES as Owner and Operator of the M/V) **CONTINUE HEARING AND BRIEFING**
18 PROVIDER) **DATES ON CLAIMANTS' MOTION TO**
19 Plaintiff,) **STAY LIMITATION PROCEEDING:**
20) **~~PROPOSED ORDER~~**
21)
22 For Exoneration From or Limitation of Liability.)

23 Plaintiff, CROSS LINK, INC., dba WESTAR MARINE SERVICES ("plaintiff"), claimants
24 CONSTANCE PICCI and ANDREW SURGES ("claimants"), by and through their respective
25 counsel of record, hereby stipulate to and respectfully request the Court continue the hearing on
26 claimants' motion to stay the limitation proceeding and concurrently continue the dates for briefing
27 said motion for the reasons set forth below.

28 Claimants filed their motion to stay this limitation proceeding and lift the restraining order
entered herein on June 20, 2006. A hearing thereon was scheduled for July 25, 2006. Pursuant to
Local Rule 7-3(a) and this Court's Standing Order opposition to the motion, if any, is due on July 3,

1 2006. Plaintiff's lead counsel was out of the area during the week of June 26, 2006 and co-counsel
2 was previously out of state during the week of June 19, 2006. By reason of such prior calendar
3 commitments and the requirement for filing opposition to the motion 21 days before the hearing,
4 plaintiff's counsel is unavailable the weekend prior to Monday, July 3, 2006 to assess and, if desired,
5 prepare opposition to the motion.

6 Moreover, plaintiff and claimants have not had an opportunity to confer regarding the
7 motion which could allow for the possibility of limiting the scope of any dispute regarding the relief
8 sought by the motion. Consequently, the parties respectfully suggest that a continuance of the
9 hearing on claimants' motion with a concomitant extension of briefing deadlines will promote the
10 fair and efficient adjudication of the motion.

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1 For the foregoing reasons, plaintiff and claimants hereby stipulate and respectfully request
2 that the Court continue the date of hearing on claimants' motion to stay the limitation proceeding to
3 the next available date available to the Court for such hearing, which the parties hereto believe is
4 August 29, 2006, and that the Court order that the briefing schedule be concomitantly extended
5 consistent with the new hearing date and in accordance with Local Rule 7-3(a) and this Court's
6 Standing Order.

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8 SO STIPULATED:

9 Dated: June 28, 2006

STERLING & CLACK
Rex M. Clack
Neil Olson
David E. Russo

13 By: s/David E. Russo
David E. Russo
Attorneys for Plaintiff
CROSS LINK, INC., dba
WESTAR MARINE SERVICES

17 Dated: June 27, 2006

VENARDI ELAM, LLP

19 By: s/Mark L. Venardi
Mark L. Venardi, Esq.
Attorneys for Claimant-Respondents
CONSTANCE PICHHI, as the personal
representative of the wrongful death claimants
and ANDREW J. SURGES

24 David E. Russo attests that concurrence in the filing of this document has been obtained from each
25 of the other signatories identified herein.

27 181635/P/Prop.StipEfile
28

ORDER

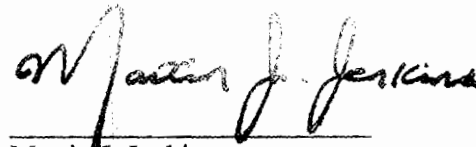
Upon review and consideration of the foregoing stipulation, in good cause appearing therefore, IT IS HEREBY ORDERED:

1. The hearing on claimants motion to stay the limitation proceeding is continued to ~~August 29, 2006~~ **OCTOBER 17, 2006**;

2. The date for filing opposition to claimants' motion is hereby continued to ~~August 8, 2006~~ **SEPTEMBER 26, 2006**;

3. The date for filing any reply by claimants in support of the motion of their motion is continued to ~~August 15, 2006~~ **OCTOBER 3, 2006**.

Dated: **7/10/06**


Martin J. Jenkins